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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,014

06/19/2006

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT

PAPER NUMBER

1797

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,014	<b>Applicant(s)</b> GIELES ET AL.	
	<b>Examiner</b> Matthew O. Savage	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-23-06</u> . | 6) <input type="checkbox"/> Other: ____.  |

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

the liquid displacement means and the fluid displacement means recited in claim 1;

the shut-off means 9 for shutting off the first liquid discharge channel and the second liquid discharge channel recited in claim 9;

the shut-off means for shutting off the second channel recited in claim 9.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The “shut-off means” recited in claims 12 and 13 lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Hjelmner et al.

With respect to claim 1, Hjelmner et al disclose a device for removing impurities from a liquid including a reservoir 2 (see FIG. 1) for holding filtering material 1 at the bottom side 3 thereof and a the liquid 8 at an upper side above the filtering material, a liquid supply channel 4 opening into the bottom side of the reservoir for supplying the liquid to be purified to the reservoir via a liquid

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displacement means 5, a first liquid discharge channel B extending from the upper side of the reservoir for discharging purified liquid from the reservoir and a fluid supply channel 10 opening into the bottom side of the reservoir capable of causing turbulence in filtering material present in the liquid by supplying a fluid using fluid displacement means 11, and thus detaching so as to detach impurities from said filtering material, characterized in that a pipe 12 comprising a first end positioned at the bottom side of the reservoir and a second end positioned opposite said first end is provided in the reservoir, spaced from the mouth of the fluid supply channel by some distance, for the passage of a the fluid supplied to the reservoir via the fluid supply channel. It is noted that the liquid and fluid displacement means have been construed broadly since the corresponding structures have not been identified in the specification.

Concerning claim 2, Hjelmner et al disclose that the pipe is provided with a funnel 14 on the side facing towards the mouth of the fluid supply channel, which funnel flares out in the direction of the mouth of the fluid supply channel.

As to claim 3, Hjelmner et al disclose the second end of the pipe as being disposed in the upper side of the reservoir.

Regarding claim 4, Hjelmner et al disclose that a resistance element 23 is disposed in the reservoir, spaced from the second end of the pipe by some distance and being in line therewith.

Concerning claim 5, Hjelmner et al disclose that the fluid supply channel opens into the bottom of the reservoir.

As to claim 6, Hjelmner et al disclose that the bottom of the reservoir extends upwards from the mouth of the fluid supply channel.

Regarding claim 7, Hjelmner et al disclose that the bottom of the reservoir is substantially V-shaped, seen in vertical cross-sectional view.

Concerning claim 8, Hjelmner et al disclose that the mouth of the fluid supply channel in the reservoir is directed upwards (e.g., in the case that the mouth of the channel is defined between the bottom side 3 of the reservoir and the lower end of conduit 10).

As to claim 9, Hjelmner et al discloses that the device includes a second liquid discharge channel G extending from the upper side of the reservoir for discharging liquid with impurities suspended therein as a result of the turbulence of the filtering material, and shut-off means 9 for shutting off the first liquid discharge channel and a shut-off means 21 for shutting off the second channel. It is noted that the shut-off means has been construed broadly since the corresponding structure has not been identified in the specification.

Regarding claim 10, Hjelmner et al that a weir 9 is provided between the first liquid discharge channel B and the second liquid discharge channel G.

As to claim 11, Hjelmner et al disclose that the fluid displacement means 11 and the shut-off means 9 are arranged for joint operation (e.g., since they operate simultaneously).

Concerning claim 14, Hjelmner et al disclose a fluid supply channel capable of causing turbulence in filtering material present in the liquid at regular intervals (e.g., in the case that the filter is operated at regular intervals).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmner et al in view of Bramlett.

Hjelmner et al broadly disclose shut-off means in the form of a weir 21 that can be operated automatically (see lines 14-20 of col. 1) but fail to specify the shut-off means as operating pneumatically as recited in claim 12 or as including a membrane as recited in claim 13. Bramlett discloses a weir that is operated pneumatically and via a pneumatic operator that includes a membrane 64 and suggests that such an arrangement permits automatic operation. It would have been obvious to have modified the shut-off means of Hjelmner et al so as to have included a pneumatic operator as suggested by Bramlett in order to permit pneumatic operation.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

/Matthew O Savage/  
Primary Examiner, Art Unit 1797  
571-272-1146

